

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
E/S Thomas Point Court, 115 ft. N of c/l Montauk Court
3 Thomas Point Court
11th Election District
6th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-3-A

Richard J. Pencek, Sr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 1801.2.C.6 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 13 ft. (to existing right of way) in lieu of the minimum required 18.75 ft. setback for an open deck and to amend the Final Development Plan of Northwind Farms II, Block F., Lot 2 to allow a projection outside of the building envelope, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section

307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of August, 1991 that the Petition for a Zoning Variance from Sections 1801.2.C.6 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 13 ft. (to existing right-of-way) in lieu of the minimum required 18.75 ft. setback for an open deck and to amend the Final Development Plan of Northwind Farms II, Block F., lot 2 to allow a projection outside of the building envelope, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 8/9/91
By J. Robert Haines

JRH:mmm

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 7, 1991

Mr. and Mrs. Richard J. Pencek, Sr.
3 Thomas Point Court
Baltimore, Maryland 21234-1352

RE: Petition for Residential Zoning Variance
Case No. 92-3-A

Dear Mr. and Mrs. Pencek:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 301.1 (B.C.Z.R.) for an open deck and to amend the Final Development Plan of Northwind Farms II, Block F., Lot 2 to allow a projection outside of the building envelope, as more particularly described on the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

UNDER HARDSHIP IN BEING ABLE TO UTILIZE THE REAR YARD IN SIMILAR FASHION AS OTHER HOMES IN THE DEVELOPMENT DUE TO THE LIMITED DEPTH OF THIS PARTICULAR LOT

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 7th day of July, 1991, that the subject matter of this petition be posted on the property on or before the 21st day of July, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 7th day of July, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 7th day of July, 1991, at 10:00 o'clock, a.m.



J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

Date

By

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently reside at 3 THOMAS POINT COURT, BALTIMORE, MD 21234 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)
THE LIMITED DEPTH OF THIS PARTICULAR LOT CREATES UNUSUAL HARDSHIP IN BEING ABLE TO UTILIZE THE REAR YARD FOR CONSTRUCTION OF A DECK SIMILAR TO OTHER HOMES IN THE DEVELOPMENT

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Richard J. Pencek, Sr. Affiant (Handwritten Signature)
Richard J. Pencek, Sr. Affiant (Printed Name)
Margaret L. Pencek Affiant (Handwritten Signature)
Margaret L. Pencek Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF HARRFORD to wit: Harford
I HEREBY CERTIFY, this 5th day of July, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Richard T. Pencek, Sr. and Mary Ann Pencek

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

July 5, 1991

DATE

Margaret L. Arnold
NOTARY PUBLIC
My Commission Expires: 8/1/95

ZONING DESCRIPTION

Beginning at a point on the east side of Thomas Point Court, which is a 50' radius right-of-way court, at a distance of 115' north of the centerline of the nearest improved intersecting street, Montauk Court, which is 50' wide. Being Lot # 2, Block F in the subdivision of Northwind Farms II as recorded in Baltimore County Plat Book # 60, Folio # 25, containing 6,892 total square feet (approximately 0.158 acres). Also known as 3 Thomas Point Court and located in the Eleventh (11th) Election District.

#8

92-3-A

Baltimore County
Zoning Administration
County Office Building
211 West Chesapeake Avenue
Towson, Maryland 21204

7/05/91

PUBLIC HEARING FEES

QTY	PRICE
01C - ZONING VARIANCE (IRL)	1 X \$65.00
080 - POSTING SIGNS / ADVERTISING	1 X \$25.00
TOTAL	\$90.00

LAST NAME OF OWNER: PENCEK

Please Make Checks Payable To: Baltimore County 001211/7077-00-71

111 West Chesapeake Avenue
Towson, MD 21204

July 10, 1991

887-3353

Richard T. and Mary Ann Pencek, Sr.
3 Thomas Point Court
Baltimore, Maryland 21234-1352

COPY

Re: CASE NUMBER: 92-3-A
LOCATION: 8/5 Thomas Point Court, 115' N of c/l Montauk Court
3 Thomas Point Court

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact with this office should reference the case number. This letter also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before July 21, 1991. The closing date is August 5, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

